

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

SCOTT PATRICK SWEDLOW,

Plaintiff,

v.

DEPARTMENT OF THE TREASURY, et al.,

Defendants.

/

Case No. 1:22-cv-00011-JLT-SKO

**ORDER GRANTING PLAINTIFF'S
APPLICATION TO PROCEED IN
FORMA PAUPERIS**

(Doc. 5)

**ORDER DIRECTING PAYMENT OF
INMATE FILING FEE BY CALIFORNIA
DEPARTMENT OF CORRECTIONS**

ORDER

Plaintiff is a prisoner proceeding pro se pursuant to 42 U.S.C. § 1983 and, by filing his prisoner trust fund account statement, has renewed his request for leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915. (Docs. 3, 5.) Plaintiff has made the showing required by § 1915(a) and accordingly, the request to proceed in forma pauperis will be granted. Plaintiff must pay the statutory filing fee of \$350.00 for this action. 28 U.S.C. § 1915(b)(1). Plaintiff is obligated to make monthly payments in the amount of twenty percent (20%) of the preceding month's income credited to Plaintiff's trust account. The California Department of Corrections is required to send to the Clerk of Court payments from Plaintiff's account each time the amount in the account exceeds \$10, until the statutory filing fee is paid in full. 28 U.S.C. § 1915(b)(2).

As to the status of his complaint, Plaintiff is advised that pursuant to 28 U.S.C. § 1915A, the court must conduct an initial review of every complaint in a civil action in which a prisoner seeks redress from a governmental entity to determine whether it is legally sufficient under the applicable pleading standards. The court must dismiss a complaint, or portion thereof, if the court determines

1 that the complaint is legally frivolous or malicious, fails to state a claim upon which relief may be
2 granted, or seeks monetary relief from a defendant who is immune from such relief. 28 U.S.C. §
3 1915A(b)(1). If the court determines that the complaint fails to state a claim, leave to amend may
4 be granted to the extent that the deficiencies in the complaint can be cured by amendment. Plaintiff's
5 complaint will be screened in due course.

6 If appropriate after the case has been screened, the Clerk of Court will provide Plaintiff with
7 the requisite forms and instructions to request the assistance of the United States Marshal in serving
8 Defendants pursuant to Federal Rule of Civil Procedure 4.

9 In accordance with the above and good cause appearing therefore, IT IS HEREBY
10 ORDERED that:

- 11 1. Plaintiff's application to proceed *in forma pauperis* is GRANTED;
- 12 2. **The Director of the California Department of Corrections or designee shall**
13 **collect payments from Plaintiff's prison trust account in an amount equal to**
14 **twenty percent (20%) of the preceding month's income credited to the**
15 **prisoner's trust account and shall forward those payments to the Clerk of Court**
16 **each time the amount in the account exceeds \$10, in accordance with 28 U.S.C.**
17 **' 1915(b)(2), until a total of \$350 has been collected and forwarded to the Clerk**
18 **of the Court. The payments shall be clearly identified by the name and number**
19 **assigned to this action;**
- 20 3. The Clerk of Court is directed to serve a copy of this order on the Director of the
21 California Department of Corrections, via the court's electronic case filing system
22 (CM/ECF); and
- 23 4. The Clerk of Court is directed to serve a copy of this order on the Financial
24 Department, U.S. District Court, Eastern District of California, Sacramento Division.

25
26 IT IS SO ORDERED.

27 Dated: January 26, 2022

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE